

**COX, WOOTTON, GRIFFIN,  
HANSEN & POULOS, LLP**

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Attorneys for Defendants  
TOM TIMMER, ANN TIMMER,  
the *F/V BOUNTIFUL* and the *F/V DONITA*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

JOSEPH F. ARISPE,

Plaintiff,

v.

TOM TIMMER and ANN TIMMER, *in  
personam*, et. al.

Defendants.

Case No.: C 03 4269 CRB ARB

**STIPULATION AND  
[PROPOSED] ORDER FOR THE  
RELEASE \$100,000.00 FROM  
WITHIN THE COURT'S  
REGISTRY**

**STIPULATION**

IT IS HEREBY STIPULATED by and between the parties to this action, through  
their respective counsel, that:

- (1) On December 2, 2005, the Honorable Charles R. Breyer Ordered the release  
of the *F/V Bountiful* upon the defendants' proof of deposit of One-hundred  
thousand dollars [\$100,000.00] as alternate security within the Court's  
Registry.
- (2) On December 5, 2005, the defendants, through their counsel of record,  
deposited One-hundred thousand dollars [\$100,000.00] within the Court's  
Registry to secure the release of the *F/V Bountiful*. A true and correct copy  
of the Official Check made payable to the Clerk, U.S. District Court, and the

COX, WOOTTON,  
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190 THE EMBARCADERO  
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FAX: 415-438-4601

G&M Bountiful

1                   Receipt for Payment to the United States District Court are attached hereto as  
2                   **EXHIBIT ONE.**

- 3           (3)   The parties to this action have negotiated a settlement to this matter and  
4                   therefore stipulate and request, as part of this settlement, that the Honorable  
5                   Charles R. Breyer order the Clerk of the Court to release said funds in the  
6                   amount of One-hundred thousand dollars [\$100,000.00] by check made  
7                   payable to "the Cox, Wootton, Griffin, Hansen & Poulos, LLP Client Trust  
8                   Account." Said funds are to be used to partially fund the settlement in this  
9                   matter. Said check to be released to Mr. Terence S. Cox or Mr. Marc T.  
10                  Cefalu, counsel for the defendants, upon presentation of proper identification  
11                  to the Clerk of the Court.

14           Dated: March 22, 2006

BANNING, MICKLOW, BULL & LOPEZ  
Attorneys for Plaintiff  
JOSEPH F. ARISPE

16                   By     /S/

17                             Edward M. Bull, III

18           Dated: March 22, 2006

COX, WOOTTON, GRIFFIN,  
HANSEN & POULOS, LLP  
Attorneys for Defendants

20                   By     /S/

21                             Terence S. Cox

25                             **ORDER**


26                   **PURSUANT TO STIPULATION IT IS HEREBY ORDERED** that the Clerk of  
27                   the U.S. District Court for the Northern District of California release One-Hundred thousand  
28                   dollars [\$100,000.00] from the Court's Registry through a check made payable to "the Cox,

COX, WOOTTON,  
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& POULOS, LLP  
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FAX: 415-438-4601

G&M.Bounie/rl

Wootton, Griffin, Hansen & Poulos, LLP Client Trust Account." Said funds are to be used to partially fund the settlement in this matter. Said check to be released to Mr. Terence S. Cox or Mr. Marc T. Cefalu, counsel for the defendants, upon presentation of proper identification to the Clerk of the Court.

Dated: March 23, 2006

By   
The Honorable Charles R. Breyer  
United States District Judge

COX, WOOTTON,  
GRIFFIN, HANSEN  
& POULOS, LLP

180 THE EMBARCADERO  
SAN FRANCISCO,  
CA 94109  
TEL: 415-438-6800  
FAX: 415-438-6801

G&M Bountiful

RECEIPT FOR PAYMENT  
UNITED STATES DISTRICT COURT  
for the

NORTHERN DISTRICT OF  
CALIFORNIA

SAN FRANCISCO, CA

3279001

RECEIVED FROM:  
CIX MOITTON GRIFFIN HANSEN &  
POULOS  
190 THE EMPEROR  
SAN FRANCISCO, CA 94105

Case Number:  
318304659-CRB-003

F/U/O:

Party ID:

Tender Type: CHECK  
#6-684706 \$100,000.00

Registry Funds

Remission behalf of tax and am  
tiner 148158817

Subtotal: \$100,000.00

Receipt Total: \$100,000.00

\* Checks and drafts are accepted  
subject to collections and full  
credit will only be given when  
the check or draft has been  
accepted by the financial  
institution on which it was drawn.

Date: 12/5/05  
Clerk: 

AS

# OFFICIAL CHECK

148158817

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12 / 05 / 05

\*\*\*\*\*100,000.00\*\*\*\*\*

\*\*\*\*ONE HUNDRED THOUSAND DOLLARS\*\*\*\*

\*\*\*\*CLERK, U.S. DISTRICT COURT\*\*\*\*

COZ, MOITTON, GRIFFIN, HANSEN & POULOS, LLP  
CASE NO 03-4269, SECURITY DEPOSIT

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